

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-15, 19, and 20, drawn to a process for the correcting at least one defect in a grain layer of a full-grain leather; and
- Group II: Claims 16-18, drawn to a full-grain leather, which comprises on its grain layer, at least one defect which has been corrected by applying a plastics filling compound to the at least one defect.

Applicant elects, with traverse, Group I, Claims 1-15 & 19-20, for examination.

Applicant notes that when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner alleges that the above-identified groups do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. The Examiner cites MPEP § 806.05(f) to justify the position of a lack of a single general inventive concept. However, Applicant notes MPEP § 1893.03(d) (emphasis added):

Examiners are reminded that unity of invention (***not restriction practice pursuant to 37 CFR 1.141-1.146***) is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.

Applicant respectfully reminds the Examiner that the present application is a 371 of PCT/EP04/011689, filed October 16, 2004. The present application is subject to the rules of Unity of Invention, not restriction practice pursuant to 37 CFR §§ 1.141-1.146. Thus, the Examiner has not provided any reasons under Unity of Invention for maintaining restriction and has failed to meet the burden necessary in order to sustain the requirement for restriction.

Accordingly, Applicant respectfully submits that restriction is improper and request that the requirement for restriction be withdrawn.

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Richard L. Treanor  
Registration No. 36,379

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 08/07)